

ESTTA Tracking number: **ESTTA557793**

Filing date: **09/04/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85569683
Applicant	The Trustee(s) of the U.S. Wealth Trust
Applied for Mark	U.S. WEALTH
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Submission	Applicant's Motion to Suspend
Attachments	Motion re US WEALTH and Design.pdf(1592412 bytes )
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Signature	/Patricia L. Cotton/
Date	09/04/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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In re Application of:	)	
The Trustee(s) of the U.S. Wealth Trust	)	
	)	Law Office 112
Serial No. 85/569,683	)	Trademark Examining Attorney:
Filed: March 14, 2012	)	
<b>Mark: U.S. WEALTH and Design</b>	)	Eli J. Hellman
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	)	

**MOTION FOR SUSPENSION OF EX PARTE APPEAL**

Pursuant to the Trademark Trial and Appeal Board Manual of Procedure (TBMP), Applicant may request suspension of an ex parte appeal based on the possibility that the cited registration may be cancelled for failure to file an affidavit of use. TBMP §1213. Accordingly, Applicant hereby requests a suspension of this appeal proceeding for good cause, namely, on the grounds that the registration cited against Applicant's mark under Trademark Act § 2(d) – the sole basis for refusal of Applicant's application – soon will be due for an affidavit of continued use under Trademark Act § 8. *See* 37 CFR. § 2.117.

In this matter, Applicant's mark has been finally refused on the basis of a likelihood of confusion with the mark in Registration No. 3,300,749 (the "Cited Registration") registered on October 2, 2007. An affidavit of continued use under Trademark Act § 8 is due for the Cited Registration by October 2, 2013, and the grace period for a late affidavit of continued use for the Cited Registration will expire on April 2, 2014. Accordingly, Applicant requests that this appeal, and all deadlines therein, be suspended until either (a) the Cited Registration is declared

cancelled, or (b) the Cited Registration is maintained on the basis of a timely-filed and accepted affidavit of continued use.

Applicant asserts that this motion for suspension is timely, as it is being made after the fifth anniversary of the issue date of the Cited Registration and also before the issuance of the Board's final decision in this ex parte appeal. The requested suspension would serve the interests of economy and avoid the need for unnecessary expenditure of time and money (by both the Office and by Applicant) over the basis of a final refusal that may become moot in the next seven months.

For these reasons, the undersigned respectfully requests that Applicant's motion for suspension be granted, and that the Board suspend the appeal proceeding pending the renewal of the Cited Registration (but no sooner than April 16, 2014 – the expiration of the grace period plus an extra two weeks to account for late-processed submissions).

Date: September 4, 2013

Respectfully submitted,

  
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